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Attorney Docket No. P50438-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Blackburn et al.

21-Jan-2003

Serial No.: 09/965,099

Group Art Unit: 1645

Filed: September 26, 2001

Examiner: Duffy, Patricia Ann

For: ANTICOAGULANT AGENTS USEFUL IN TREATMENT OF THROMBOSIS

Assistant Commissioner for Patents

Washington, D.C. 20231

**RESPONSE TO RESTRICTION AND/OR ELECTION
REQUIREMENT UNDER 35 U.S.C. §121**

Sir:

In response to the Restriction and/or Election Requirement for the above captioned application mailed on December 31, 2002, Applicants elect Examiner's Group I, consisting of Claims 1-13 and 17-20, with traverse. The Examiner states that the inventions of Groups I and II are distinct because the invention of Group I requires an anti-coagulation factor monoclonal antibody whereas the invention of Group II merely requires a reagent that "does not require the use of any monoclonal antibody." Applicants respectfully point out that Claim 14, the independent claim representing Examiner's Group II invention, requires the use of a reagent that specifically targets a component of the intrinsic coagulation pathway. Since Factor IX is a component of the intrinsic coagulation pathway, it follows that an anti-Factor IX monoclonal antibody is a reagent that specifically targets a component of the intrinsic coagulation pathway. Hence, an anti-Factor IX antibody is a member of the genus of reagents

that are administered when practicing the invention set forth in Claim 14, and Examiner's Group I therefore represents a subgenus of the genus of Group II. Accordingly, the inventions of Groups I and II are the same, and restriction is improper.

In compliance with the requirement to elect a single species for prosecution on the merits, Applicants elect Species A drawn to anti-Factor IX/IXa monoclonal antibodies. Claims 1-20 read on the elected species.

Please charge any additional fees that may be required in support of this paper to Deposit Account No. 19-2570.

Respectfully submitted,



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